

*Application No. 09/599,987*

REMARKS

In her Advisory Action dated June 2, 2003, the Examiner indicated that the proposed amendments would raise new issues that would require further consideration. Applicant respectfully disagrees for the reasons as set forth herein. First, Claim 20 was previously amended to clarify that the catheter itself (rather than any type of cutting head) has a corkscrew configuration throughout its length. This feature alone is sufficient to distinguish the present invention from any of the prior art, and in particular, the teachings of Auth. Auth merely teaches a cutting head having a rather typical spiral drill bit design. Auth fails to teach that the catheter itself has a corkscrew configuration and that it is the catheter itself that rotates. Indeed, Auth teaches away from the present invention in this regard since Auth utilizes a conventional catheter that does not rotate, but rather, merely provides a drive shaft 2 surrounded by a guiding catheter 3. Auth teaches the use of a cutting tool 1, which rotates at extremely high speeds (greater than 25,000 rpm) (see col. 7, line 10). In contrast, the present corkscrew catheter configuration is caused to rotate at far slower speeds.

The Examiner contends that the limitation of rpms raises a "new issue". Applicant respectfully disagrees. Rpm limitations were present in the application as originally filed; prior art searches conducted by both the Applicant and the Patent Office were specifically directed to rpm limitations; and the prior Examiner in this case explicitly discussed prior art where rotational speeds of 500 rpm's were utilized (see Monetti reference and Office Action dated 7/18/02, p. 6, ¶19).

In any event, Applicant respectfully contends that the corkscrew configuration throughout the length of the catheter as claimed in the present invention, is neither disclosed nor taught or suggested by any one or a combination of prior art references. There has been extensive examination

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in searching of the prior art with respect to the invention as claimed and the suggested claim amendments as proposed in the Amendment After Final dated 5/20/03 do not raise new issues or add "new matter" that would require additional searching. Moreover, the previously amended Claim 20 (as presented in the Amendment and Response filed 12/18/02), presented the corkscrew catheter configuration so that even if the suggested amendments to the claims as proposed on 5/20/03 are not accepted, Claim 20 as previously presented is patentable over and above the prior art of record.

Applicant's counsel requests the courtesy of a telephone interview with the Examiner in the event that the previously amended claims are not believed to be in a condition for allowance or if any other suggested Examiner's amendments may place the same in a condition for allowance. Applicant's counsel can be reached directly at (303) 863-2977.

Respectfully submitted,

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